

**Panel Discussion: “Addressing anti-personnel mines of an improvised nature under the framework of the APMBC”**

**Wednesday, 1 July 2020, 16:15 – 17:17 CET**

**Committee on Article 5 Implementation (7 - 8 minutes intervention)**

Thank you, Sachi.

Dear colleagues, today I have the honour to speak on behalf of the Committee on Article 5 Implementation, which is chaired by Canada and also includes Austria, Norway and Zambia.

Let me thank all panelists for participating in this discussion, and Lucy for the overview she just provided. Unfortunately, it seems that we will continue to face the threat of improvised anti-personnel mines for the foreseeable future. Indeed, notably due to this threat, we are witnessing States identifying newly mined areas on their territory.

The Committee on Article 5 Implementation and others have worked hard over the last years to recall the place of anti-personnel mines of an improvised nature within the Convention. This was considered during the negotiation of the Convention’s text, through practice, and this was reemphasized at the Seventeenth Meeting of the States Parties, notably through a paper presented by the Article 5 Implementation Committee entitled “Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations”.

Most recently, the Fourth Review Conference reviewed 5 years of implementation of the Convention and recorded the following:

- First, an increase in the use of antipersonnel mines of an improvised nature by armed non-state actors – in particular in Afghanistan, Colombia, Iraq and Yemen;
- Secondly, the significant challenges posed by anti-personnel mines of an improvised nature in implementation of Article 5; and
- Thirdly, the fact that this challenge may persist and possibly become more prevalent in the future.

An example of this at the Fourth Review Conference was the declaration by Nigeria that it was affected by anti-personnel mines of an improvised nature, and that it was working to implement the provisions of the Convention, including mine clearance and protection provisions under Article 5, and transparency reporting under Article 7.

Given the importance of the issue of anti-personnel mines of an improvised nature, the States Parties ensured it would remain high on our collective agenda and by addressing it within the Oslo Action Plan.

In particular, Action #21 of the Oslo Action Plan indicates that States Parties affected by anti-personnel mines of an improvised nature will ensure that they apply all provisions and obligations under the Convention to such contamination, as they do for all other types of anti-personnel mines, including during survey and clearance in fulfilment of Article 5, and by reporting according to Article 7 obligations.

This means that:

- Affected States Parties are obliged to carry out survey to identify areas that are suspected or known to contain anti-personnel mines;

- This also means that affected States Parties are obliged to carry out efforts to ensure the effective exclusion of civilians from these areas until the threat has been addressed. This is done through a number of measures, including context-specific mine risk education and reduction, and the importance of these activities was emphasized during the Fourth Review Conference; and
- Last but not least, this means that affected States Parties are obliged to address these areas as soon as possible, and within their respective deadlines; and
- Therefore, it is of course critical that States Parties report on contamination related to all anti-personnel mines including those of an improvised nature.

In 2019, at the Intersessional Meetings of the Convention, the ICRC published a paper entitled 'Views and Recommendations on Improvised Explosive Devices falling within the scope of the Anti-Personnel Mine Ban Convention'. This paper does provide a helpful overview of the different types of IEDs and how they relate to specifically the APMBC while also touching matters relevant to Amended Protocol II of the Convention on Certain Conventional Weapons.

As some devices fall under the scope of both Conventions and quite a number of states have ratified both instruments, it is important that obligations and commitments stemming from these instruments are not contradictory but mutually reinforcing. So far we have not witnessed acute problems on this front, but we would like to underline the importance of clear and disaggregate reporting and information management on devices that are found, so that we understand exactly what kind of device we are dealing with (for instance, victim-activated or not, or improvised or not) in order to fulfil all obligations in an adequate manner.

In addition to implementing these provisions, States Parties are also obliged to apply the decisions related to their specific circumstances. One example is the Extension Request process established by the States Parties at the Seventh Meeting of the States Parties, and another example is decision of the Twelfth Meeting of the States Parties concerning situations in which States Parties discover mined areas, including newly mined areas, after the original or extended deadline to implement Article 5 has expired.

This is critical, as many of the States Parties affected could be states that have never declared the presence of mined areas on their territory, or states that completed implementation but are now faced with newly mined areas, as is the case with Nigeria.

In short, the message of our Committee today is that it is essential that States Parties remain engaged and apply these decisions. Thank you very much.